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*Counsel for Plaintiffs Gentex Corporation
and Indigo Technologies, LLC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

GENTEX CORPORATION and INDIGO
TECHNOLOGIES, LLC,

Plaintiffs,

THALES VISIONIX, INC.,

Involuntary Plaintiff,

v.

META PLATFORMS, INC. and META
PLATFORMS TECHNOLOGIES, LLC,

Defendants.

Case No. 4:22-cv-03892-YGR

**DECLARATION OF ADAM D. HARBER
IN SUPPORT OF THALES' MOTION
TO FILE UNDER SEAL PORTIONS OF
RESPONSE TO JOINT MOTION TO
DISMISS**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, Adam Harber, do hereby declare as follows:

2 1. I am an attorney licensed to practice law in the District of Columbia and admitted pro
3 hac vice in this matter. I am counsel to voluntary plaintiffs Gentex Corporation (“Gentex”) and Indigo
4 Technologies, LLC (“Indigo”) (collectively, “Plaintiffs”). I have personal knowledge of the matters
5 set forth below and if called and sworn as a witness, I could and would testify competently to the facts
6 set forth herein.

7 2. I make this declaration in accordance with Local Rule 7-11(a) and Local Rule 79-5(e)
8 in support of Involuntary Plaintiff Thales Visionix, Inc.’s (“Thales”) Administrative Motion to File
9 Under Seal portions of its Response to the Joint Motion to Dismiss (the “Response”). *See* Docket No.
10 145.

11 3. The Response refers to Exhibits A and B to the Joint Motion to Dismiss (“Motion”)
12 filed by Plaintiffs and Defendants Meta Platforms, Inc. and Meta Platform Technologies, LLC
13 (collectively “Meta”). Docket No. 139. Plaintiffs moved to maintain those Exhibits under seal
14 because they reflect Plaintiffs’ confidential business information. *See* Docket No. 137; Docket No.
15 137-1 at ¶¶ 3–4. Certain redacted portions of the Response¹ discuss and/or quote from these Exhibits
16 and also therefore reflect Plaintiffs’ sensitive business information. For the same reasons previously
17 explained, making this information publicly available would cause substantial economic and
18 competitive harm to Plaintiffs. *See* Docket No. 137-1 at ¶¶ 3–4.

19 4. Other redacted portions of the Response² also discuss confidential business information
20 of Plaintiffs, including the details of confidential licensing negotiations between Plaintiffs, Thales, and
21 Meta. Such details constitute sensitive business information, not publicly available or publicly
22 disclosed, which Plaintiffs maintain in the strictest confidence. To make publicly available these
23

24

25

26 ¹ These portions include: page 1, lines 11-13; page 2, lines 3-16; page 4, lines 7-14; page 5, lines 17-
25; page 6, lines 1-5, 10-11; page 7, lines 10-14, 19-25; page 8, lines 1-5, 10-13, 19-23; page 10, lines
26 3-7; and page 11, lines 15-17.

27 ² These portions include: page 2, lines 20-22; page 3, lines 1-22; page 4, lines 3-6, 18-23; page 5,
28 lines 11-13; and page 9, lines 17-22, 26-27.

1 details about Plaintiffs' licensing activities would cause substantial economic and competitive harm
2 to Plaintiffs.

3 5. I declare under penalty of perjury under the laws of the United States of America that
4 the foregoing is true and correct to the best of my knowledge.

5
6 Executed this 2nd day of February, 2024 in Washington, D.C.

7
8 /s/ Adam D. Harber

9 Adam D. Harber

10
11 **SIGNATURE ATTESTATION**

12 Under Local Rule 5-1(i)(3), I attest that I have obtained concurrence in the filing of this
13 document from the other signatory.

14
15 Dated: February 2, 2024

16 

17 Matthew S. Warren